

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	No. 5:24-CR-30-CAR-CHW
DORMAINE MITCHELL,	:	
	:	
Defendant.	:	
	:	

ORDER ON DEFENDANT'S MOTION TO CONTINUE

Before the Court is Defendant Dormaine Mitchell's Motion to Continue [Doc. 43] his trial scheduled to begin December 2, 2024, in Macon, Georgia. On April 9, 2024, the Grand Jury returned an indictment charging Defendant with Possession of a Firearm by a Convicted Felon. On May 14, 2024, Defendant was arrested, appointed counsel, pled not guilty at his arraignment, and detained pending trial. On September 11, 2024, Defense Counsel moved to withdraw. The United States Magistrate Judge denied the Motion following a hearing. On October 28, 2024, Defense Counsel moved to withdraw again. On October 31, 2024, the United States Magistrate Judge granted the Motion following a hearing and appointed Defendant new counsel. On November 1, 2024, Defendant's newly appointed counsel entered an appearance and received discovery. On November 14, 2024, Defendant filed a Motion to Suppress and a Motion to Dismiss Indictment

Pursuant to the Second Amendment. This case has previously been continued three times.

Defendant now moves to continue the trial to allow additional time to review the discovery and investigate the case. Additional time is also needed to complete the briefing on Defendant's Motions. 18 U.S.C § 3161(h)(1)(D) provides that any delay resulting from any pretrial motion is excluded in computing the time within which the trial must commence under the Speedy Trial Act. In addition, the Court finds it serves the ends of justice to grant Defendant's request to continue the trial. The ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. Failure to grant a continuance would deny counsel reasonable time to address these matters and could result in a miscarriage of justice. Thus, the Court **GRANTS** Defendant's Motion to Continue [Doc. 43], and **HEREBY ORDERS** that this case be continued until the January 27, 2025, term of Court for the Macon Division. The delay occasioned by this continuance shall be deemed excludable pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161.

SO ORDERED, this 15th day of November, 2024.

s/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT